

**UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION**

**JENNIFER PERRY,  
CATRINA KNIGHT and  
TALITHA ROBINSON- RUSSELL,**

**Plaintiffs,**

**VS.**

**Case No.: 2:07-CV-1067-WKW-SRW**

**TWEEN BRANDS, INC.,  
JUSTICE STORES, L.L.C.  
CARISSA GODWIN, and AMI LANE,**

## Defendants.

**PLAINTIFFS' RESPONSE IN OPPOSITION TO**  
**DEFENDANTS' MOTION FOR PARTIAL DISMISSAL**

COME NOW the Plaintiffs, by and through undersigned counsel, and in response to the Defendants' Motion for Partial Dismissal, submit their contemporaneously filed Memorandum in Opposition to said motion, and say as follows:

1. Under Alabama law, Plaintiff Talitha Robinson-Russell is not prohibited from using testimony given during a hearing before the Alabama Department of Industrial Relations in support of her defamation claim. Therefore, Defendants' argument is support of their motion to dismiss the defamation claim is due to be dismissed.

2. Plaintiffs' Complaint satisfies the notice pleading requirements of FRCP Rule 8(a)(2) and there is no basis for dismissing or striking the claims contained therein.

3. Plaintiffs' Complaint did not state a "pattern and practice claim," but rather addressed the fact that the Plaintiffs intend to use pattern and practice evidence to support their individual prima facie cases and to show the Defendants' actions were pretextual. Plaintiffs have

not purported to represent any class of similarly situated individuals, and only have made individual claims against the Defendants. Accordingly, there is no reason for this Court to dismiss or strike the paragraphs of the Complaint as requested by the Defendants, and Defendants' request is due to be denied.

Respectfully submitted,

/s/ Christopher S. Genereux

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TYRONE C. MEANS (ASB 8760-S80T)  
JACQUELINE C. SMOKE (ASB 1617-M71J)  
CHRISTOPHER S. GENEREUX (ASB 5703-T76G)  
Attorneys for Plaintiffs

OF COUNSEL:

Tyrone C. Means, Esq.  
THOMAS, MEANS, GILLIS & SEAY, P.C.  
3121 Zelda Court  
P.O. Drawer 5058  
Montgomery, AL 36103-5058  
(334) 270 – 1033 OF  
(334) 260 – 9396 FX

Jacqueline C. Smoke, Esq.  
Christopher S. Genereux, Esq.  
THOMAS, MEANS, GILLIS & SEAY, P.C.  
505 N 20<sup>th</sup> Street, Suite 400  
Birmingham, AL 35203  
(205) 328 – 7915 OF  
(205) 214 – 6160 FX

CERTIFICATE OF SERVICE

I hereby certify that on this the 14<sup>th</sup> day of February, 2008, I electronically filed the foregoing Plaintiffs' Response in Opposition to Defendants' Motion for Partial Dismissal with the clerk of the court using CM/ECF system that will send notification of such filing to the following attorneys of record for defendants: R. Bradley Adams, Esq. ([radams@littler.com](mailto:radams@littler.com)), Grady B. Murdock, Esq. ([gmurdock@littler.com](mailto:gmurdock@littler.com)), Terese Connolly, Esq. ([tconnolly@littler.com](mailto:tconnolly@littler.com)), Latesa Bailey, Esq. ([lbailey@littler.com](mailto:lbailey@littler.com)), Attorneys for Defendants.

/s/ Christopher S. Genereux

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CHRISTOPHER S. GENEREUX (ASB 5703-T76G)  
Attorney for Plaintiffs  
THOMAS, MEANS, GILLIS & SEAY, P.C.  
Suite 400  
505 N 20<sup>th</sup> Street  
Birmingham, AL 35203  
(205) 328 – 7915 OF  
(205) 214 – 6160 FX  
Email: [csgenereux@tmgsllaw.com](mailto:csgenereux@tmgsllaw.com)